1645

OIPE
JAN 1 0 2001
PATENT & TRADEMARK OFFICE
JC100

DOCKET NO.: 9491-033-27

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RECEIVED

JAN 12 2001

TECH CENTER 1600/2900

Re: Serial No.: 08/948,149
Applicant(s): Brian M. FENDLY et al.
Filing Date: October 9, 1997
For: ANTI-ERBB2 ANTIBODIES
Group Art Unit: 1645
Examiner: R. Swartz

SIR:

Attached hereto for filing are the following papers:
Fee Transmittal
Request for Extension of Time (3 months)
Amendment

Our check in the amount of $890.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 50-1442. Further, if these papers are not considered timely filed, then a request is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

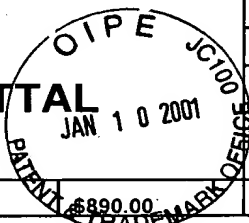PIPER MARBURY RUDNICK & WOLFE LLP

January 10, 2001
Date

Steven B. Kelber
Attorney of Record
Registration No.: 30,073

Laura A. Donnelly
Registration No. 38,435

FEE TRANSMITTAL

OIPE JC100 JAN 1 0 2001 PATENT & TRADEMARK OFFICE

Docket No.	9491-033-27
Serial No.	08/948,149
Filing Date	October 9, 1997
Inventor(s)	Brian M. FENDLY et al.
Group Art Unit	1645
Examiner	R. Swartz

TOTAL AMOUNT OF PAYMENT $890.00

1. ☐ Applicant claims small entity status.

   ■ Charge any **UNDERPAYMENT** or credit any **OVERPAYMENT** in the indicated fees to Deposit Account No. 50-1442.

   ☐ Charge the indicated fees to Deposit Account No. 50-1442.

2. ■ Check enclosed.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee ($)	Fee Code	Fee ($)		
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
				SUBTOTAL (1)	$0.00

2. EXTRA CLAIM FEES

tot. claims		-	20*	=	0	x $18	=	0
ind. claims		-	3*	=	0	x $80	=	0
☐ Multiple Dependent Claims				$270	=			

Large Entity		Small Entity		Fee Description
Fee Code	Fee ($)	Fee Code	Fee ($)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	*Reissue independent claims over original patent
110	18	210	9	*Reissue claims in excess of 20 and over original patent
				SUBTOTAL (2) $0.00

* or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee ($)	Fee Code	Fee ($)		
105	130	205	65	Surcharge-late filing fee or oath	
127	50	227	25	Surcharge-late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2520	147	2520	Ex parte reexam. fee	
115	110	215	55	1-mo. ext. of time	
116	390	216	195	2-mo. ext. of time	
117	890	217	445	3-mo. ext. of time	890.00
118	1390	218	695	4-mo. ext. of time	
128	1890	228	945	5-mo. ext. of time	
119	310	219	155	Notice of Appeal	
120	310	220	155	Appeal Brief	
121	270	221	135	Request for Oral Hearing	
142	1240	242	620	Utility/Reissue Issue Fee	
143	440	243	220	Design Issue Fee	
144	600	244	300	Plant Issue Fee	
122	130	122	130	Petitions to the Commissioner	
126	180	126	180	IDS Submission	
581	40	581	40	Assignment	
179	710	279	355	For Filing RCE	
169	900	169	900	Expedited Design	
OTHER (indicate below):					
				SUBTOTAL (3)	$890.00

Name	Steven B. Kelber	Registration No.	30,073
Signature	*Laura G. Donnelly*	Date 1\10\01	Telephone 202-861-3900
Name	Laura A. Donnelly	Registration No.	38,435

DOCKET NO.   9491-033-27

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Brian M. FENDLY, et al.   ART UNIT: 1645

SERIAL NO.:   08/948,149   EXAMINER: SWARTZ, R.

FILING DATE: October 9, 1997

FOR: ANTI-ERBB2 ANTIBODIES

AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Office Action dated July 10, 2000, the time for responding thereto

having expired on October 10, 2000 being extended by three months pursuant to a request for

a 3 month extension of time filed herewith, please consider the following remarks:

IN THE CLAIMS

Please amend claims 28, 32, 34, 42 and 58 as follows:

28. (Twice Amended) A method for inducing cell death comprising exposing a cell

which overexpresses ErbB2 to an effective amount of an isolated antibody [which binds to

Domain 1 of ErbB2] that cross-blocks binding of antibody 7C2 or antibody 7F3 to ErbB2.

32. (Amended) The method of claim 28 further comprising exposing the cell to a

second anti-ErbB2 antibody which does not [bind to Domain 1 of ErbB2] cross-block binding

of antibody 7C2 or antibody 7F3 to ErbB2.

-1-